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Roxin's inspired thoughts on the evolution of contemporary criminal politics

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Abstract: This work was based on some of the Roxin's scientific publications, thus creating its own theories of dogmatism in the evolution of criminal science as a whole. Theories that are certainly inspired by Von Liszt but C. Roxin went further in his knowledge of criminal disciplines reaching the point of criminology. The axiological proposal of a directive nature, the condition of naturalistic approaches, the role of penalties and sanctions, the values that determine the directive and the finalistic values are elements of investigation to deepen Roxin's studies and thoughts for integration, evolution of contemporary criminal politics.

Keywords: contemporary criminal law; criminal policy; criminal dogmatic; criminology; C. Roxin; F. Von Liszt.

Introduction

C. Roxin remained known for his contributions to criminal science. Inspired by the theories of F. Von Liszt, he is also a supporter of the concept of criminal politics and a promoter of knowledge in the field of criminal disciplines. The intertwining of criminal politics and criminal legal dogmatics has consequences for the understanding of criminal politics as well as criminal legal dogmatics that extend to criminology.

In particular, criminal responsibility for Roxin was based on an axiological proposal that intensified the differences and proposals conditioned by naturalistic approaches and the science of anthropology. In a study (Dìez Ripollès, 2022) he demonstrated that the axiological component that was introduced into his legal theory is not made up of principles that have a directive nature but finalistic and utilitarian values characterized by the presence of rigorous principles, values that determine the correct and useful criteria (Atienza Rodrìguez, Ruiz Manero, 1996; De Fazio, 2019).

Thus it is demonstrated that the logic of various existing crimes does not have as its starting point the fundamental theory of the purposes of punishment. The structure of the categories of crimes according to Roxin gives an answer to the main approach of the directive principles and to the utility values which occupy a place that is not rigorous but modest, obvious and bland. It

cannot be considered that his theories of crime have as their basis the evolution of a systematization of criminal law. The systematic thought and the objective of significantly introducing criminal legal dogmatics has a topical and casuist thought and perhaps this is the basis of Roxin's entire study.

Criminal-juridical dogmatics and criminal politics. The denaturalization of criminal politics and the all-encompassing nature

Roxin has given the criminal policy a particular content of a semantic nature, which is synonymous with criminal law in general and in the system of criminal responsibility it represents an axiological contribution of values, independent as a reflection of elements of use. Equating the axiological with criminal politics introduces ex novo and in a specific way a certain demonstration that has remained in all of Roxin's publications (Stratenwerth, 1972; Zipf, 1977; Moccia, 1995; Ortiz De Urbina Gimeno, 2003; Borja Jimènez, 2003; Ortiz De Urbina Gimeno, 2004).

A general characterization of a systematic nature which is described as criminal, political and teleological (Roxin, 1998, Roxin, 2006)[1] it goes far towards a value-oriented path. Thus,

1Roxin used the following qualifying terms: Zweckrationales (funktionales) Strafrechtssystem, teleologisch-kriminalpolitischer Systementwurf, kriminalpolitisch-teleologischer (funktionaler) Systementwurf, Wertungorientiertes System, teleologisch-kriminalpolitische Verbrechenslehre.

the system of precedents is specifically differentiated from a structured one by evaluations, criteria which are described in criminal policy (Roxin, 2002; Roxin, 2003). The system with these criminal political contents allows the ontological constraints of finalistic and causal systems as incorrect and reasonable solutions from an evaluative point of view.

The value corrections of a political-criminal nature are satisfied in the positive and causal system (Roxin, 1972; Roxin, 1973). This equation between the criminal politician and the axiological system is limited to value content in one's own system. The management systems follow objectives that rigorously reflect principles. The terms criminal-political and teleological are linked to a criminal-political quality in a system that attributes the theory of the ends of punishment to the prevention sector. Thus a system of a political-criminal nature is attributed, which introduces a systematic crime of variety of value contents, which tend to safeguard a useful prevention which establish the limits of the ius punitiendi.

The semantic expansion with a disproportionate manner of the teleological element (Moccia, 1995; Roxin, 2003; Roxin, 2006) includes all the axiological contents that are integrated in criminal law and political-criminal policies (Silva Sànchez, 1997; Roxin, 2003; Roxin, 2006).

The categories that make up criminal responsibility as a point of

distinction of Roxin's proposals as well as the fact that each of these provides specific evaluations of human conduct, accepts a mobility that has a limiting nature of contents of punishability, which are qualified as criteria of criminal policies (Roxin, 1972; Roxin, 2003; Roxin, 2006).

The action, omission and the need for the act as a manifestation of one's person constitute a value judgment that pursues an ad hoc criminal political objective (Roxin, 2003; Roxin, 2006). The normative criteria regulate the type, i.e. the task of legally determining the behavior that is prohibited, the specific objective of social damage by attributing the behavior in an effective and motivating way, the weighing of the needs of social interventions and the protection of individual freedoms, as functions of a simultaneous nature thus motivating the attribution of the principle of guilt.

The related steps are innumerable and the axiological components are described as criteria, functions, concepts, elements, etc. who are part of the political-criminal “family”, as a similar qualification, which is verified according to axiological criteria concerning social conflicts, thus resolving the anti-juridical nature and the definitive configuration of the judgment of harmfulness caused at a social level. The origins of a legal-penal system of interests are demonstrated without preventing the qualification of criminal policy and the resolution of conflict

to the extent that it punishes a certain behavior or not (Roxin, 2003; Roxin, 2006).

Responsibility comes into conflict with guaranteeism and the needs of a preventive nature of the conflict between political-criminal values and the nuances of one's nature are main and/or of use (Roxin, 2002; Roxin, 2003; Roxin, 2006). A similar phenomenon is recorded for the elements, legal institutions that make up the various types of categories.

The general statements of the configuration are determined by aspects that have political-criminal value such as frequencies that condition the dogmatic constructions of the theory of objective attribution (Roxin, 2002) and the risk criterion is not permitted so the concept of danger is abstract and the intent, guilt, justification and its own elements as well as the capacity to act are relevant. The error on the prohibition and the causes of exclusion of guilt as well as the malicious complicity and attempt are examples (Roxin, 1998; Roxin, 2002; Roxin, 2003; Roxin, 2006).

Criminal responsibility determines the protection of the law, the equivalent use of every criminal policy. Thus the material concept of the legal good according to Roxin is a concept that has a material nature establishing the legislator, who punishes or not as a political-criminal criterion, which differs from the methodological concept of every legal good without missing the

political-criminal meaning, as a hermeneutical or systematic criterion.

The catalog of references is established depriving the goods of their character of a criminal legal good and how it is described by criteria, political-criminal orientations and constituted by axiological contents for the principle, the axiological criteria and the large measure which are also founded by every constitutional system.

Within this context, the principle of subsidiarity has integrated the principle of exclusive protection of legal assets as a criminal political criterion of the constituent elements, that allows values to have a main and directive nature. Elements that are considered to have important consequences of a political-criminal nature.

The punitive system and its application has the objective of understanding the purpose of each punishment and evaluating its incorporation into criminal law, thus realizing the criminal and sociopolitical discourse by carrying out axiological terms of direction. This establishes the legitimacy of prevention effects that must have arrived.

The introduction of the principle of guilt establishes the limits to criminal intervention and the prevention of purposes that are unable to provide, implying the use of a political-criminal instrument of a substantial, value-based nature, main for

offensiveness, responsibility in the strict sense and the value needs of being connected with the prevention of crimes. Thus, the punishment is limited to every principle of guilt and for Roxin the value content is integrated into a system of criminal responsibility and criminal law within the framework of a criminal policy.

The increase and continuous value contribution from Roxin to the system of criminal liability and criminal law is protected by criminal policy. Choosing possible values embedded in criminal law has a political nature that is independent of whether it has strategic or prudential significance. This is a decision that has a specific criminal and criminal impact.

The argument is that criminal policy is not a commodity available to anyone who wants to use every meaning of a specific semantic content. Such a modification narrows, expands, transforms and asks for good reasons. he pragmatic circumstances used to semantic contents are different and the denaturalization of the criminal political concept has made acceptable use that is part of the terms of criminal politics.

Criminal legal dogmatics and criminal politics of F. Von Liszt and C. Roxin

The concept of analysis of criminal policy began with Von Liszt (Dìez Ripollès, 2018) theorizing that criminal science includes

the set of knowledge, that allows the development of an effective strategy for controlling the crime and the offender through criminal law. Criminal policy thus has a pre-eminent position of practical knowledge and the help from the other side of criminology is able to formulate a correct strategy aimed at fighting crime. This criminal political knowledge has the function of advising the political power and the legislator the task of forming criminal law.

The prescriptive areas that determine, protect, identify criminal law behaviors that harm and endanger them establish a system of responsibility for the conduct, that is committed for the provision of a system of sanctions. The competences of criminal policy include the facts that substantially relate to the preventive effects achieved by the system of sanctions and the security measures they plan.

The fundamental objective of criminal law is attributed in case the protection of legal assets is the object of the prescriptive area but it does not focus on the contribution of criminal policy, which choose objectives of protection and identification of harmful behaviour. By configuring the system of responsibility they burden the establishment of criminal intervention and leave the hands of the legislator to respect natural realities.

Criminal legal dogmatics exclude the interpretation of the arrangement of contents that are introduced by the legislator

himself into criminal law that respects the principle of legality. The application of criminal law according to this principle allows the criminal code to configure the abuses of the state as the guarantor of rights and individual and fundamental freedoms. Prevention social policies develop the margins of criminal law within the knowledge of criminal sciences.

Von Liszt lays the foundations for the criminal policy, that regulates and determines the control of crime. The concept is limited because criminal policy is the legislator's consultant, who shapes criminal law but does not deal with the axiological elaboration of its contents.

It establishes the system of penalties and security measures in an exclusive way and in instrumental terms because the discipline is connected and concentrated with the creation of a system of sanctions and measures where the preventive effects are effective in controlling crime.

The areas that integrate it and that make up criminal law determine the contents, protection and configuration of the liability system which is thus neglected. To refuse criminal policy to the restricted scope of criminal-legal intervention does not include the methods of extra-criminal and effective interventions in the fight against crime of all kinds both at domestic, European and international level.

For Roxin, criminal politics and criminal legal dogmatics and

responsibilities take on the criticisms that come from Von Liszt. To a large extent it orients its own proposal, which is contrary to Von Liszt's opposition. For Roxin, Von Liszt's positions construct a concept of criminal politics that contrasts with that of criminal legal dogmatics. Thus, the scope of application of criminal law develops the systematic method which conceptually elaborates positive law and which establishes the prerequisites of the crime of criminal responsibility. It also safeguards the individual guarantees of citizens, who are subject to any criminal intervention.

Criminal policy addresses the legislator's contributions to criminal law in such a way that it becomes an effective tool in the fight against crime and the offender, obtaining the correct formulation of a system of sanctions and its application.

This type of contrast and how it is proposed by Von Liszt avoids the need for social intervention against the crime of individual freedoms, which is not suitable for Roxin's theories. The counterbalancing between different objectives, freedom and intervention remains in opposition to a criminal and dogmatic policy. The effective fight against crime is exclusive to criminal policy, it demonstrates that the behavioral components of the dogmatic categories of crime define the limits of penal intervention.

The limits of penal intervention of dogmatics is exclusively. The

disciplines are integrated into an epistemological unity of value criteria of criminal policy, which have an active and immediate role in dogmatic reasoning.

The idea and criminal policy focuses on guaranteeing a system of punishments, measures that are effective in terms of prevention. Criminal policy does not pursue the fight against the cost of a crime respecting the principles that regulate the rule of law. Criminal policy has a function that guarantees compliance by establishing the value criteria that characterize responsibility and sanctions.

C. Roxin is against Von Liszt's proposals and of a dogmatics of a positive nature in the jurisprudence of concepts, which closes the road to an introduction to a political and social dimension. The deduction of a correct system on the basis of value components that are present in the elements of the responsibility system is not accepted.

It is an error that the inclusion of evaluative elements of dogmatic reasoning weakens systematic thinking. This value orientation improves the system of one's connection with the reality that is the object of criminal law. Thus an open system is created between a closed system that is proposed by Von Liszt and it is achieved in a synthesis with the link it has with the law and the correctness of values (Dìez Ripollès, 2018).

This position makes the integration between criminal politics

and dogmatics possible. The systematic elaboration of the value criteria of criminal policy is distanced from this discipline and the introduction of value criteria with dogmatics prevents carrying out systematic work (Roxin, 1972; Roxin, 2002; Roxin, 2003; Roxin, 2006).

Roxin's position regarding legal-criminal dogmatics and criminal policy

The dogmatics between criminal politics exists on the fact that criminal politics loses epistemological autonomy. Roxin made a list of the penal sciences. The Strafrechtswissenschaft gesamte is presented as a complete work.

Criminal legal dogmatics plays a role in the system of criminal responsibility (Roxin, 1992; Roxin, 2007). The dogmatics that profoundly strengthen the system of criminal liability leave the determination of the contents of protection, the system of sanctions and their execution at a second level.

This dogmatic of criminal responsibility is developed substantially within the application of the law. The axiological criteria, all of which are of political-criminal origin, ensure the application of criminal law which respects the guarantees of the rule of law and which produces crime prevention effects. Thus, the strength of the legitimacy of political-criminal argumentation in the system of criminal responsibility in the

face of systematic constructions that are based on the order and logical abstraction of the positive law in force, is opposed to the values that impose themselves on conceptual deductions.

The dogmatics of the usual conception of criminal politics puts them to a correct interpretation of the law which is not limited to the systematization of a conceptual nature and the case which perfects, improves, innovates the law, which configures the evaluative contents in different assumptions of the crime by applying respect for the principles and directives established by the legislator.

The distinction of criminal political work does not exclude that the law constitutes an exaggerated disjunction. The dogmatism between criminal politics and the habit of dogmatics (Roxin, 2002; Roxin, 2003; Roxin, 2006) limits the dogmatic and political-criminal level. Dogmatism is connected with the principles and directives that are established by the legislator without contradicting the restrictions that come from the principle of legality. Failure to respect the limits of interpretation become effective for the legislator. When the interpreter does not agree with the formulation of the value elements, he can propose legal reforms to the legislator.

Roxin underlines that the principles and directives are expressed in an abstract, general way and often through texts without legal expression, leaving a wide field of interpretation to dogmatism.

Through interpretation, this phenomenon compares the positive text with the values that inspire the legislator with the reality that is the object of the law and highlights the law in force with the dogmatics that are perfect and renewed.

Dogmatism works the positive text starting from the values that inspire the legislator, revealing principles, rules or concepts that are consistent with the criteria that are a guide for the legislator who is not aware of them. Formulating interpretations that are not based on a positive text and which will be congruent with decisions taken and in similar contexts. Dogmatics improves current law.

Roxin argues that the interpreter's decisions are based on interpretive criteria as results of dogmatic processing (Roxin, 1992; Roxin, 2002; Roxin, 2003; Roxin, 2006).

Roxin maintains that criminal political dogmatics do not adapt their interpretations to the axiological elements of the criminal legislator. Value choices lead to the application of criminal law. The theory of fundamental rights is recognized internationally after direct access to the application of criminal law. The expansive effect of the interpretation does not come from provisions of the laws themselves. Political-criminal dogmatics together with the theory of fundamental rights at the level of criminal responsibility support political-criminal dogmatics.

For Roxin, the law and the principles of the legislator do not

respect the principles of guarantee that are accepted at an international level and the interpreter thus ensures that the criminal law becomes an exercise in power. Roxin also goes against Jakobs who states that political-criminal dogmatics are integrated but without being limited to contemporary criminal law.

The political-criminal dogmatics in the face of political practice and in legislation and jurisdiction presupposes that the value elements of criminal responsibility are not left to the decisions of politicians but to the science of criminal law (Roxin, 1998; Roxin, 2000).

Criminal policy integrated between dogmatics and criminal policy

For Roxin, criminal politics are integrated and complete the dogmatics that are also part of the political-criminal "family". The legislative task that is carried out by the criminal policy is connected with the legislator. Its dogmatics are integrated into criminal policy and go beyond the interpretation of the law itself.

Criminal policy contributes in determining the contents of the protection of criminal law protection. It is based on the defense of the material concept of each legal and subsidiary asset. Based on the methodological path of the juridical good, we limit

ourselves to an instrument that interprets the positive law of a teleological canon that claims the critical function of concepts and that dialogues with the legislator in the creation of today's criminal law.

The task of criminal policy is the theoretical development of this type of function with the task that criminal law ensures the free coexistence of citizens, which protects their fundamental rights and public freedoms within the spirit of the rule of law, thus conceiving that the legal good is an instrument that guarantees, determines the behaviors of the ius punitiendi as an impact that accepts interventions that are legitimately rigorous.

Roxin attributes to the legal asset its identification that deserve the protection of limitation of the claims of the state. The theory of legal good is a theory that builds values on principles that delimit the scope of the legislator's decisions and guarantees the related requirements of the principle of subsidiarity, that admits restrictions of legal goods based on considerations, that have pragmatic and logical value.

The limits are pre-established above all by the criminal and constitutional doctrine, which according to Roxin are formed in different ways. The theory of the juridical good in positive law marks the limits that extend to theoretical reflection. Thus, each constitutional court considers the legal good as integrated on the constitution and the negative consequences control the limits in

criminal law through its own jurisprudence, which comes from the constitutional court. The support of the constitution is convenient and goes beyond the principle of exclusive protection of legal assets. Thus, it is reiterated that material criminal law is an instrument that is configured in a dogmatic way, useful for the decisions of the legislator who establishes the contents of protection.

Configuring the system of punishments and their execution to a precise framework of criminal politics is Von Liszt's path of orientation and thought. Security measures and penalties have the task of criminal policy to generate effects that have a socio-personal basis to satisfy the protection of criminal law. In the theory of the objectives of punishment and of the measure, the choices of effects are not justified and one's capacity prevents from behaviors that await criminal legal goods.

These value elements are directives, which have as their basis the conflict of principles in the strict sense and which can place limits on the objectives of a preventive nature in the sanctioning system and on their execution. These limits of a political-criminal nature are concretized in the principle of responsibility of penalties and proportionality of measures.

Roxin did not follow ideas, positions in a systematic way for the concrete configuration of sanctions and their application, as for example Von Liszt did (Roxin, 2002; Roxin, 2003; Roxin,

2006).

The seizure of criminal politics in the criminal responsibility of dogmatics

According to Roxin, one's options are formed in criminal law under the axiological basis that takes into account the distances from previous orientations that try to interpret elements in this specific legal sector in an excessive way connected with natural and/or anthropological realities.

The balance between social interventions in criminal matters and respect for individual guarantees is a part of this complex type. The rigorous defense of the system of criminal responsibility as an object of investigation of criminal policy refuses to connect this discipline with the system of punishments and their execution and the effects that are obtained together. Therefore, Von Liszt shares this position without reservations.

The value of criminal responsibility provides precise contributions of a value nature and in various aspects of the legal theory of crime. It is added that the teleological interpretation (Ortiz De Urbina Gimeno, 2004) through its own interpretation complies with the constitution of international norms and interpretative canons, which are only of a grammatical nature (Dìez Ripollès, 2022).

Roxin favored the study and development of criminal science

through assumptions that, given the enormous influence and relative impact on an epistemological level in criminal sciences, he himself actually did not want. Presuppositions such as the concept of fighting every type of delinquency based exclusively on tools that criminal law can provide us. Thus, he is aware that there are areas of social intervention that do not involve criminal law.

Roxin has developed a precise detailed global crime-fighting blueprint that seeks to exploit the affordances of a welfare state. It is connected with punishment, with measures of a minor nature and with security measures. C. Roxin, unlike Von Liszt, pays attention to the prevention of products of a comminatory nature, i.e. sanctions of the categories of the criminal liability system.

The task of every criminal law operator is the production of its own fruits in the field of the application of today's criminal law and the collaboration with the legislator which is configured through its competence in the formulation of the content of criminal law and in the attitude towards itself.

The attention of the criminal lawyer is the application of the law that is convinced for the interpretation of the rules that are in force and that the criminal law manifests its contours, transforms itself, interacts and moves forward. The role of the legislator is the measure that places the basis of the

interpretation that formulates the law and that makes its intentions through them.

The legislator tries to embody some criteria that are abstract and not concrete but also aware of the implications that decisions of a legislative nature entail. Thus the interpreter forms the law in force where, through the explanation of these legislative intentions, they systematically structure the incorporation of argumentative and axiological knowledge, preferences of an external nature which builds contemporary criminal law.

The interpreter takes into account the laws and the will of the legislator as moments where the link is in contradiction with the regulatory complex which has a supra-criminal nature but also with constructions which have a theoretical, prestigious basis.

Criminal law practitioners in every capacity relate their attention to the work of the criminal legislator who constructs criminal law. The criminal legal obligation is a task of the procedure that precisely and rigorously refines the interpreter as the sole agent who produces a criminal law that is adequate and in reality is the object of his intervention.

In extreme cases the limits of interpretation force and leave the legislator's decision to statements that can be taken into consideration due to the attention of the material concepts of a legal good that is addressed to the legislator. The legal goods that are previously protected, positivized in the material theory

of legal good, deserve criminal protection (Vormbaum, 1995).

The material theory of the juridical good refers in a fundamental way to the case of crimes that already exist and which accurately submit, based on the set of criteria that aim to oppose the need for criminal intervention, the binding of individual freedoms. The non-occupation of legal goods in positive law is not part of the elimination, the restriction of some of them which are positivized. The material concept of a legal good emphasizes the basis of positive law and the material concept of the crime that modern criminal law derives from.

For Roxin, criminal law is a system of responsibility. Unlike Von Liszt where one's contributions of responsibility are considered in the system of sanctions and one's applicability as a system that rotates between the transformative task of criminal law to a system of responsibility at the center of one's thinking. Roxin does not attribute to the identification of the relative protective content of criminal law and at the same time does not neglect the sanctions and their applicability, so the doubt about the system of responsibility remains at the center of his thinking. This has an expansive effect on criminal law, especially on the requirements that will mark the cases of feasibility of the legal objects of protection within the scope of the legal assets it was supposed to protect.

The inclusion of the objectives of the punishment in the

category of responsibility in terms that do not deny the preventive effects in certain circumstances places the conclusions of the effects of the punishment within the sanctioning system.

Within this context, C. Roxin approaches Von Liszt and his motivations that are based on the efforts, towards the system of responsibility, which convinces the theory of the purposes of punishment and which introduces a form of the legal theory of crime. Von Liszt's collaboration with the formulation of sanctions in criminal law is linked to the axiological criteria that are extraneous to the preventive needs that have acquired a construction system according to C. Roxin's theory of responsibility.

Dogmatics goes forth within the margins of contemporary criminal law, thus applying the techniques of a legal interpretation that is concentrated on the system of criminal responsibility and on the main criminal science. The intrusion between dogmatics and criminal politics according to Roxin regulates the value content where the dogmatic is interpreted within the formulation of contemporary criminal law.

These criteria of an axiological nature are principles, directives of criminal policy where dogmatics surpasses accusation and does not derive guidelines in a sufficiently precise manner with criminal law. The dogmatic approach focuses on the conception

of every society that the legislator also experiences; goes beyond legal interpretation and to the competence that distinguishes the legal norm which is simply an exercise of the fact of power. The dogmatist is not satisfied but points out to the legislator what is missing from the laws and that the legislator should decide to correct the preferences of the interpreter who thus acts as a consequence.

The dogmatic operation of criminal politics becomes a subsidiary discipline of dogmatics. The values of dogmatics need the interpretation of the system of criminal responsibility in general criminal law. Elements that constitute criminal policy that interact within the dogmatic activity of interpretation and application of the law. The formalization of the content and the greater number of axiological elements are based on the interpretation that are used. Criminal politics is thus limited by realizing and underlining that dogmatics poses value instruments that the interpreter uses according to his own interest.

According to Roxin, criminal policy develops axiological guidelines that do not come from the law and/or the penal legislator but from sources that have a complementary character which are extraneous to criminal law and to the theory of protected rights. Legal consensus paves the way for a discussion of the materials obtained from these legal complexes, theoretical aspects which are accepted in criminal policy and are in

accordance with the improvement of the interpretation of the law. Its function is directed by laws which are not overlooked. The use of these materials, their structuring and conceptual development carries out the interpretation needs of contemporary criminal law in a dogmatic way.

The sources and legal behaviors that are directly developed into canons of legal interpretation respect these limits. The introduction of the mediation of a criminal policy gives an outlet to the law enforcement of the will of the law and of the legislator. Within this context, a dogmatic system of heats is verified which allows criminal politics to free itself from the dogmatic monopoly which follows its own path.

Roxin deserves the criticisms that are also directed at Von Liszt in relation to positivism and which is linked to the formulation of the law, to the deductions that are logical, systematic in the construction of a system of responsibility. Perhaps thus criminal policy is reduced, subsidiary to the criteria of value in the canons of legal interpretation that explains the measure, the criteria of value of the categorical structure that is established in the legal theory of crime. Criminal categories are legitimized by positive law and criminal policy does not go beyond consensual positive law.

This conditioned position is absent in cases in which the interpretative canons and dogmatic elaborations of the

axiological criteria that come from juridical, theoretical, extra-criminal instances are accepted. Criminal politics provides opportunities for dogmatics that are not based on positive, legal foundations in the theory of fundamental rights that recognize legal texts at the international level and/or are constructed by penal positivisms in the legal, international-dogmatic sense.

Emptying the epistemology of criminal politics

Roxin refused to attribute knowledge of an autonomous nature and criminal policy undergoes substantial changes to an epistemological content where the body of knowledge includes the relative influence of the intensive use of criminal policy, of the dogmatic purposes provided which are used as useful for dogmatic interpretation excluding the political-criminal knowledge that they are part of (Garcìa Pèrez, 1997).

Thus, they connect with the linked and narrow criminal political knowledge that applies the system of criminal responsibility as the effect of an interpretative work of criminal law within the scope of the protection of legal assets to the system of sanctions and its application. Criminal policy interprets the constituent elements of current law which are not denied but undergo a conceptual and significant development. It is unfair to attribute to Roxin the defense of moderate attention to the role of criminal politics and interpreted legal assets as protection of

contemporary criminal law without denying his own interpretative role of the sanctioning system by dealing with how criminal law is composed in its systematic nature.

Roxin's attention to the evolution of criminal policy and criminal responsibility presents an enormous prestige that enjoys that some tasks of criminal policy have fallen into oblivion. This is a phenomenon that concerns criminology which is at the service of the system of criminal responsibility.

The sphere in which criminal policy operates as well as its own formation, creation of criminal law and the applicability of modern criminal law categorically recognizes the collaboration, that legislates the most important tasks that are exclusive in criminal policy. The generality of the determining relationships are focused on the elaboration of argumentative, criminal and legislative theory. The guidelines that create criminal law evaluate the legislative procedure and its agents as well as its evolving phases (Zipf, 1997; Sanz Moràn, 2007). Criminal policy provides axiological tools that allow influence in determining the content of one's criminal laws.

Criminal legal dogmatics through interpretative canons and conceptual elaboration allow a formative attribution of criminal law which is part of the devoid of content in the field of public policies. A public policy at the level of economic policy that specifies the fight against crime where criminal policy is merely

a type of criminal law discipline.

The service to the interpretative dogmatics of today's criminal law is thus lessened towards the coverage of a total of social interventions where public authorities try to control crime, i.e. interventions where the criminal legal framework attracts and develops an important role but not of an exclusive nature. Thus we have different models of criminal policies, different intervention strategies that interact in each model where the techniques of social prevention, the institutional management against crime and the different action programs can be evaluated for their results and all the elements of this policy public are not part of a criminal policy (Dìez Ripollès, 2018).

Criminal policy remains linked to the limits of criminal law. Thus we operate in an exclusive way on a value level that moves between guaranteeing the rule of law, directiveness, and the use of the theory of the purposes of punishment. A substantial policy of a legal-criminal nature that does not neglect the level, that is linked to the effective realization of objectives and fight crime in a legitimate way through criminal sanctions. The configuration of a criminal policy is excessive and devoid of contents of an axiological nature, where the criminal policy according to C. Roxin is contrary to defects, due to the lack of attention to the aspects of an instrumental nature.

Who are the actors in the world of criminal politics?

For C. Roxin the legislator does not have the last word and as a consequence in the hands of dogmatists and interpreters of contemporary criminal law the legislator establishes the limits of criminal law, which cannot be exceeded and it is not obligatory to legislate. The legal provisions are not correct but remain for the legislator to correspond to the reform. There are many nuances at this point.

The interpreter perfects the law and tries to revise the constituent elements of the law considered in each concrete case. Legislative criteria are established by law which are abstract and vague. Decisions that are based on criteria that are connected with the legislator who does not know the implications from the point of view of passing the law. The decisions about interpretations of the legal support are not congruent with other legal criteria. The interpreter goes further and establishes that the legislator interprets the expansive nature of the theory of fundamental rights in a manner compliant with the constitution, supporting the criminal legal consensus at a domestic and international level.

Dogmatism interprets contemporary criminal law as a guarantor of criminal law and as a reflection of arbitrary power. Axiological criteria place the criminal responsibility of being left in the hands of politicians (Roxin, 2002; Roxin, 2003;

Roxin, 2006).

The canons of legal interpretation aim to structure the dogmatics of a criminal legal nature, remembering that the legislator shapes the criminal policy which is applied to all aspects of criminal law. The legislator makes political-criminal decisions and the choice of value criteria by modeling the contents of criminal protection in the system of responsibility for sanctions.

This task of work and commitment to the legislator considers that the work of interpreting and structuring criminal law makes contributions to its improvement and to a distinction between the activities that take place in the area of law enforcement. Thus, a distinction is made between jurisdiction and application of law which sees the interpretative canons in a predictable way and the dogmatic elaboration which is available for the structuring of contemporary law which uses interpretative canons of competence and which clarifies and systematically organizes the relevant legal material.

Judges at all levels of justice seek to specify, qualify and enrich contemporary criminal law which places it in competition with interpretation. They put into practice the value criteria that are established by law and which are the result of criminal political decisions adopted by the legislator. It is not accepted that one's political-criminal opinions and decisions are adopted by the legislator and that one's decisions go beyond interpretation.

Many times the legislation is “neglected” and the value criteria that are explained are not shared but the rules that they faithfully reflect are shared. Positions that they formulate with precision and conceptual freedom by participating in a criminal political debate.

The dogmatism and structuring of contemporary law abandons the de lege lata perspective that systematizes contemporary law to be part of a de lege ferenda context. Dogmatism does not accept that the law is dogma but creation which is opposed with the ius ferendum to an ius latum as dogmatism which approaches criminal but not dogmatic politics. Thus dogmatism addresses its proposals to the legislator and thus addresses the interpreter to have the right to recommend those who apply the law and the proposals de lege feranda leaving the law that is in force (Ortiz De Urbina Gimeno, 2003).

Roxin has a certain tendency of the creation of contemporary law and a substantial part of criminal politics in the political sphere of experts as criminal legal dogmatics. Dogmatism acquires an interpretative and structural work on the law in force, determining the contents of criminal law.

Each legislator must follow the group's indications that legal consensus is sufficient for the legislator to base proposals and to accept experts in the political legitimation that is based on each collective decision. This type of claims are removed from the

activities of any criminal legislation that does not hinder serious dysfunctions that generate criminal political practice in criminal law in a special and concrete way (Hirsch, Seelmann, Wohlers, 2012; Sànchezx-Ostiz, 2012; Maňalich, 2018; Mirò Llinares, 2019).

Criminology in criminal legal dogmatics

For Roxin, criminology is part of the penal sciences as well as of the normative nature that deals with legal norms as an empirical science that calculates the use, the formulations in a vast way providing knowledge that is real of crime by bringing the offender back into his own legality (Kaiser, 1996).

Substantive criminal law is the basis of all criminal sciences. Their own rules determine the behavior that is punishable and the other sciences have no other arguments to consider. This path applies to criminology recognizing a vast object that has consequences in the epistemological scope and attributing to criminology an internal dogmatics as a sequence of epistemological contributions that come from criminal law disciplines that take into consideration the criminological knowledge de lege lata or de lege ferenda.

There is no opposition between criminal policy, dogmatism and criminology but only phases of a subsidiary, complementary nature. The statements express criminal policy, the prevention of

a reasoning that the purposes of punishment claims to argue in a dogmatic way that opens up the paths of criminology in the construction of the categories of crime. Dogmatics thus benefits empirical and political-social discoveries.

The theory of punishment and the foundation of prevention legitimize the empirical demonstration that criminal law causes general, preventive effects, integrated with the rules of criminal law (Roxin, 1998; Roxin, 2002; Roxin, 2003; Roxin, 2006).

The content of the elements of behavior lies at the basis of criminal responsibility and the author tries to empirically guarantee the natural, psychological or social reality. The risk that arises in objective attribution, in abstract crimes of danger, intent, guilt in the strict sense, the limits of minors, the prohibition error, the determination of the absence of effects that are preventive to an area of responsibility in the strict sense, the attempt, etc. are dogmatic approaches that lose contact with legal certainty and limit the punishment. This leads to the assertion that value criteria are prefigured in a way anticipated by reality itself (Roxin, 2003; Roxin, 2006).

Roxin's teleological functional system seeks to consolidate the criminological knowledge that empirical reality provides as a prerequisite for value-based decisions and on the basis of contemporary criminal law by providing the concepts of responsibility. Adapting empirical reality means engraving into

criminal law the value choices that are adopted in a way that results in the application of the right to be found in the same line of connection between them. The awareness that the categories of crime and the legal concepts give their content to these legal elements as guiding criteria of a value nature are deduced from modern law thus considering and delimiting the criminal legal point of view.

This is how the axiological system works which passes the aspects of empirical reality to the preliminary and evaluation position. These criteria are incomplete and at the same time also of guidance since they definitively involve the comparison with the legal material with the reality that is previously selected. This empirical material is formulated by criminology for groups of cases that follow reality in an axiological way, perfecting the guiding criteria of a value nature and developing their own wholeness.

The system is oriented towards consequences that are flexible and which achieve different results which are however suitable for specific, concrete and not general cases. Such flexibility guarantees the reality that is relevant with the exclusive way of the system by affirming that it is a mature and takes into consideration the resistance of reality (Roxin, 1972; Roxin, 2002; Roxin, 2003; Roxin, 2006).

Thus one's system finds itself in the path between normativeism

and ontologism as two approaches of a methodological and complementary nature of dogmatics, which is empirical.

Criminology at the service of dogmatism

For Roxin, legal material and natural, social reality are the object of every criminal intervention. It is not possible to understand your system that captures characteristics in true terms (Dìez Ripollès, 2022).

The only criminal science that attributes its tasks to empirical nature now has an importance that is of a secondary nature. There is no lack of generic aspects that grant science a space of autonomy that projects it as the only criminal science that attributes its tasks to empirical nature. There is no lack of recognition of an epistemological status that knows, identifies and explains the serious social conflicts of a behavior that involves, provides means and techniques, that have a decisive nature of such social phenomena among other functions. Within this specific scope of social intervention strategy, the legislator and their executors make use of instruments, where criminal law is important but not exclusive.

The knowledge of contemporary criminal law attributes to criminal law an element which has as its objective the determination of a sphere, which criminal sciences in its total system include dogmatics, which becomes a central discipline.

The decisive consequences that the autonomy of criminal politics deprives have for criminology a certain epistemological autonomy.

The fundamental task is the assistance of dogmatics to serve its own ends. This statement contrasts with the statement that refers the epistemological content of criminology to the subsidiary discipline of dogmatics, where criminology has other areas of development that have nothing to do with the contribution of dogmatics. The opinions of criminology do not formulate a rigorous context of the system of responsibility and sanctions but a general one that organizes elements of a constitutive nature of the penal sciences, of the gesamte Strafrechtswissenschaft.

Criminal politics absorbs dogmatics in the surprising provision that criminology does not have an autonomous and direct contact with criminal politics.

It is a subordinate type of dogmatics which inevitably loses the relevance of criminology. Thus, the task that limits the maintenance of the system of responsibility and sanctions with reality is assigned. This work operation is obligatory and necessary, distancing the satisfaction of self-understanding of the discipline that sets ambitious objectives and willing to accept the epistemological scope that is reduced and focused in this aspect. This contrasts with the theories of Von Liszt and with criminology which regulates criminal politics in a tied and

precise and confused way despite the restriction of the tasks that are relevant (Dìez Ripollès, 2018).

The empirical data that are found and are part of the criminal sciences are those that are able to provide solutions to current criminal law and that remain within the scope of the proposals de lege ferenda. The content selection process is based on dogmatic structuring and legal interpretation needs.

The way that criminology evaluates the attempt which has an Anglo-Saxon nature, freeing and distancing criminology from criminal law and criminal policy, bringing it however closer to a circle that is vicious and irrelevant among the sciences that deal with crime and delinquency.

The demands of criminology have the conditions of structuring criminal law to a system of responsibility and sanctions as presuppositions of an empirical nature (Dìez Ripollès, 1990) thus configuring the axiological elements and criminology and limiting itself to guaranteeing that dogmatism with its own concepts is chosen to refer to behaviors of a responsible nature to an empirical substratum that is indisputable. Criminology thus gives support to decisions that are of a value-based nature.

For Roxin, reality manifests itself at a later stage which is close to the application of one's law. Thus, the systematic structure of dogmatics is born and taken into consideration respecting the concepts that achieve correct results, adequate to one's reality

that escapes from the system.

The axiological elements are not closed and the formulation is not taken into consideration definitively. Reality turns to the claim which shows its own profiles and the variations which it reorganises, classifies and accesses the understanding of values. Axiological decisions are taken upon abandoning a complex that adapts aspects of reality (Dìez Ripollès, 2022).

The system is thus divided into various cases. Criminology fits adequately into the performance of the task which is narrow, precise and conditioned by needs of a dogmatic nature (Dìez Ripollès, 1990).

The empirical data of the system give rise to the normativeness of Roxin's system. His own system is linked with cognitivism and ontologism which is not convincing. The concern that adapts one's system of reality and the complexity of human behavior is achieved through a normativeization of one's system (Dìez Ripollès, 2022).

Normativizing is not comparable with the use of the value contents of the categories of the constituent elements of the responsibility system in a fair and essential way. The replacement of a judgment of an empirical nature with a judgment that has the value of an observation with attribution must also not be reduced.

Normativizing is also not comparable with the generation of

axiological distinctions and the anxiety of having traces in the variations of real phenomena that are confused with the correspondence of values and in one's own specificity which is difficult to connect to references that have a general and non-specific and categorical nature.

This feeling of arbitrary nature comes from the fact that the solution of each case comes from the resolution which is always available as a new criterion of valorization which is called criminal political criterion (Silva Sànchez, 1972; Silva Sànchez, 2018).

Conclusions

From the previous paragraphs we understood that criminal policy has an axiological content, a directive principle that is introduced to a system of criminal responsibility in contemporary criminal law. The broad interpretation leads to the denaturalization of criminal politics itself and the consequences it brings. This type of denutarization is based on some methodological options that come from Roxin's scientific activity. We remember the fight against crime and the offender which focuses on the use that criminal law deals with.

The application of criminal law manifests its contours, transforms, progresses and creates criminal law which plays a subordinate role. The system of criminal responsibility

constitutes a nucleus of criminal law and not a system of protection or related sanctions.

Thus, dogmatics in time is a political science that places the configuration in criminal law and legal interpretation and legislative claims. Criminal politics thus becomes a subsidiary discipline of dogmatism which is devoid of epistemological autonomy and which collects the axiological elements, where a large part of them come from other positive legal sources, which are useful to dogmatism for the structure of contemporary criminal law.

Exploring criminal politics and dogmatism leads to an epistemic emptying where knowledge is not useful for the structure and application of the function of criminal responsibility and which excludes criminal political knowledge which is put aside.

The political-criminal contributions that they offer to the other two cornerstones of criminal law, namely the protection of rights and the system of sanctions, are not developed. The attempt to deepen the contribution of criminal policy elaborates criminal legislation. Criminal politics thus loses the anchorage of public policies that confines the limits of criminal law.

Criminal politics has as its task the group of experts, the penal dogmatism that replaces the legislator in the creation of criminal law that is legitimate in a context that is not majoritarian. Epistemological autonomy does not escape these

transformations. The assignment of the role in principle limits itself to keeping the systems of responsibility and sanctions corresponding with the reality they affect, thus resulting in a tool that facilitates regulation. The self-awareness that regulates the contribution of criminal science remains distant.

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